



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Group Art Unit: 3626
Examiner: Ms. Natalie Pass

In re PATENT APPLICATION of:

Applicant(s) : Wuping DONG)
Serial No. : 09/458,820)
Filed : December 13, 1999) **APPEAL BRIEF**
For : TICKET BOOKING AND ISSUING)
SYSTEM AND METHOD FOR THE SAME)
Attorney Ref. : FUJI 111)

August 27, 2007

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INTRODUCTION

This is an Appeal to the Board of Patent Appeals and Interferences from the decision, in the Office Action dated April 2, 2007, finally rejecting claims 1-6. A Notice of Appeal was timely filed on June 7, 2007, thus setting the due-date for the present Appeal Brief at August 27, 2007.

A fee of \$500 is being submitted concurrently. Should this remittance be accidentally missing, however, or should any additional fees be needed (including extension of time fees, since Appellant hereby provisionally petitions for any extensions that may be deemed necessary to avoid abandonment), the Director may charge such fees to our Deposit Account number 18-0002.

APPEAL BRIEF

09/458,820

(i) REAL PARTY IN INTEREST

The real party in interest in this appeal is the assignee, Oki Electric Industry Co., Ltd., having an office at 7-12, Toranomon 1-chome, Minato-ku, Tokyo, Japan.

(ii) RELATED APPEALS AND INTERFERENCES

To the best of the knowledge and belief of the undersigned attorney, there are no prior or pending appeals, interferences, or judicial proceedings which may be related to, directly affect or be directly affected by, or have a bearing on the Board's decision in the present appeal.

(iii) STATUS OF THE CLAIMS

Claims 1-6 are pending in this application. No claims have been allowed. Claims 1-6 stand finally rejected, and are being appealed.

(iv) STATUS OF AMENDMENTS

No amendments were filed in reply to the Office Action of April 2, 2007.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

Concise Explanation of the Subject
Matter of Each Independent Claim
[First Sentence of 37 CFR 41.37(c)(v)]

The present application is directed to a ticket booking and issuing system, particularly a system for use by an organization such as a company with employees who need to travel.

Figure 1 of the present application's drawings illustrates an airline's ticket reservation system 10. It can communicate with a company's in-house agency system 20 via a dedicated line 40. The ticket reservation system 10 can also communicate with PCs 30 owned by the company via the internet 50. The in-house agency system 20 includes a net server 21, a client 22, and a ticket booking and issuing terminal 23, all of which are linked by a local area network 25 that also serves the company's PCs 30. A ticket issuing printer 24 is connected to the terminal 23. (See the passage at page 8, line 3 to page 9, line 8).

An example of how the system works will now be summarized with reference to Figures 1 and 3. Suppose that one of the company's employees needs to fly to a different city in order to make a presentation to a customer. To obtain a ticket, the employee (or user) initiates a ticket booking procedure. In step 1 of Figure 3, the employee uses one of the PCs 30 to access the in-house agency system 20 (page 9, lines 13-17). After logging in and entering a password, in step 5 the employee selects a service that is desired (here, booking a ticket on a plane) from a User Information Screen (page 10, lines 7-10).

In step 6, the employee uses a PC 30 to address a ticket booking commencement request to the net server 21 via the LAN 25 (see page 10, lines 11-13). In step 7, information that includes the home page addresses of the reservations systems of airline companies is sent from the net server 21 to the PC 30 in accordance with the ticket booking commencement request (see page 10, lines 14-23). In step 8, PC 30 stores the home page addresses in a memory and displays information corresponding to the home page addresses on a screen for selection by the employee (see page 10, line 24 to page 11, line 3). In steps 9 and 10, the PC 30 receives a selection of one of the reservation systems

by the employee, and reads out the home page address of the selected reservation system (marked by reference number 10 in Figure 1) from the memory (page 11, lines 4-11). The PC 30 is connected to the website of the selected reservation system 10 via the internet 50 in step 10, and a reservation screen of the web site is displayed by the PC 30 in step 11 (see page 11, lines 11-19). In steps 12-13, the employee then completes a booking through the web site, between the PC 30 and the selected reservation system 10, by transmitting and receiving information data including a booking (or acceptance) number via the internet 50 (see page 11, line 15 to page 12, line 3). In steps 14-18, booking data of a predetermined format is generated in the PC 30 by compiling predetermined data included in the information data, and the booking data of the predetermined format (which includes the booking number) is sent to the net server 21 via the LAN 25 (see page 12, line 4 to page 13, line 3).

What follows next is an issuance procedure, in which the booked ticket is issued by the terminal 23. The net server 21 receives the booking data that was sent to it by the PC 30. In step 19, the booking data is stored in the net server 21, and the booking number included in the booking data is sent to the terminal 23 by the net server 21 (see page 13, lines 4-11). The booking number is then transmitted by the terminal 23 to the selected reservation system 10 via the dedicated line 40 during step 20 (see page 13, lines 12-17). Then, in step 21, the terminal 23 receives ticket issuing data from the selected reservation system 10 to issue the ticket that was booked in the selected reservation system 10 (see page 13, lines 18-22).

From the above summary, it will be seen that an employee who needs an airline ticket can book the ticket using a PC 30 and an airline that is selected by the employee.

The ticket is actually issued, though, through the in-house agency system 20, based on booking data sent from the PC 30 over the local area network 25.

Identification of Structure, Material, or Acts
Corresponding to Functions in independent
Claims and Dependent claims Argued Separately
[Second Sentence of 37 CFR 41.37(c)(v)]

From the above discussion of the elements shown in Figure 1 and the acts and functions that they perform, accompanied by references to the drawings by reference number and to the specification by page and line number, it will be apparent that the PC 30 includes addressing means for addressing a user's ticket booking commencement request to the net server 21; that the net server 21 has sending means for sending home page addresses of reservation systems to the PC30; that the PC30 also has storing means for storing the home page addresses, along with display means for displaying information corresponding to the home page addresses, receiving means for receiving a selection of one of the external reservation systems and for reading out the home page address of the selected external reservation system, transmitting and receiving means for connecting the PC 30 to the website of the selected external reservation system and displaying a reservation screen thereof, and for transmitting and receiving information data including a booking number, and generating means for generating booking data of a predetermined format and sending it to the net server 21 via the LAN 25; that the net server 21 has means for storing the received booking data and for sending the booking number to the terminal 23; that the terminal 23 has means for transmitting the booking number to the selected reservation 10 via the dedicated line 40; and that the terminal 23 also has means for

receiving ticket issuing data from the selected external reservation 10 and for issuing the booked ticket with the aid of printer 24. All this is explained in the passage at page 8 of the application, line 3 to page 13, line 22.

The structure, material, or acts corresponding to functions in the independent claims are further identified as follows:

1. A booking and issuing method of an intranet ticket booking and issuing system (Figure 1) including a net server (21) and an issuing terminal (23) interconnected to said net server via a local area network (25), said issuing terminal being interconnected to external reservation systems (10) which accept ticket booking requests via at least one communication line (40), and a personal computer (30) being interconnected to said net server via said local area network (25) and having an Internet connection function, comprising:

a booking step for making a booking from said personal computer to one of said external reservation systems (steps 1-18 in Figure 3, see page 9, line 13 to page 13, line 11), said booking step including:

addressing a user's ticket booking commencement request to said net server from said personal computer (step 6, see page 10, lines 7-13);

sending home page addresses of said external reservation systems from said net server to said personal computer via said local area network in accordance with said ticket booking commencement request (step 7, see page 7, lines 14-23);

storing, in said personal computer, the home page addresses sent from said net server into a memory and displaying information corresponding to the home page addresses relating to said external reservation systems on a screen for selection by the user (step 8, see page 10, line 24 to page 11, line 3);

receiving, in said personal computer, a selection of one of said external reservation systems by the user and reading out the home page

address of the selected external reservation system from said memory (step 9, see page 11, lines 4-6);

connecting said personal computer to a website of the selected external reservation system via the Internet and displaying a reservation screen of a web site provided by the selected external reservation system (steps 10 and 11, see page 11, lines 7-19);

completing, without the aid of said net server, a booking through said website provided by the selected external reservation system, between said personal computer and the selected external reservation system, by transmitting and receiving information data including a booking number via the Internet (steps 12-14, see page 11, line 20 to page 12, line 9); and

generating, in said personal computer, booking data of a predetermined format by compiling predetermined data included in the information data and sending the booking data of the predetermined format to said net server via said local network, the booking data of the predetermined format including the booking number (steps 15-18, see page 12, line 10 to page 13, line 3); and

an issuance step for issuing a booked ticket by said issuing terminal (steps 18-22, see page 12, line 26 to page 13, line 22), said issuance step including:

receiving, in said net server, the booking data of the predetermined format (step 18, see page 12, line 26 to page 13, line 3);

storing a received booking data in said net server, and sending said booking number included in the received booking data to said issuing terminal from said net server (step 19, see page 13, lines 4-11);

transmitting said booking number from said issuing terminal to the selected external reservation system via said at least one communication line (step 20, see page 13, lines 12-17), and

receiving, in said issuing terminal, ticket issuing data from the selected external reservation system to issue the ticket booked in the selected external reservation system (step 21, see page 13, lines 18-22).

2. A ticket booking and issuing system (Figure 1) including a plurality of external reservation systems (10) for accepting ticket booking requests via at least one communication line (40), a net server (21) and an issuing terminal (23) interconnected to said net server via a local area network (25), said issuing terminal being interconnected to said external reservation systems via said at least one communication line and a personal computer (30) interconnected to said net server via said local area network and having an Internet connection function, comprising:

addressing means for addressing a user's ticket booking commencement request to said net server from said personal computer (step 6, see, page 10, lines 7-13);

sending means for sending home page addresses of said reservation systems from said net server to said personal computer via said local network in accordance with said ticket booking commencement request (step 7, see page 7, lines 14-23);

storing means for storing, in said personal computer, the home page addresses sent from said net server (step 8, see page 10, line 24 to page 11, line 3);

display means for displaying information corresponding to the home page addresses on a screen for selection by the user (step 8 and Figure 4, see page 10, line 24 to page 11, line 3);

receiving means for receiving, in said personal computer, a selection of one of the external reservation systems by the user and for reading out of said storage means the home page address of the selected external reservation system (step 9, see page 11, lines 4-6);

transmitting and receiving means for connecting said personal computer to a website provided by the selected external reservation system and displaying a reservation screen thereof on said display means, and for transmitting and receiving information data including a booking number via the Internet between said personal computer and the selected external reservation system to complete, without the aid of said net server, a booking through said website provided by the selected external reservation system between said personal computer and the selected external reservation system (steps 10-14, see page 11, line 7 to page 12, line 9);

generating means for generating, in said personal computer, booking data of a predetermined format by compiling predetermined data within the information data transmitted and received in said transmitting and receiving means into a predetermined form and sending the booking data of the predetermined format to said net server via said local area network, the booking data of the predetermined format including the booking number (steps 15-18, see page 12, line 10 to page 13, line 3);

means, provided in said net server, for storing a received booking data and for sending said booking number included in the received booking data to said issuing terminal (steps 18 and 19, see page 12, line 26 to page 13, line 11);

means for transmitting, upon receiving said booking number included in the booking data from said net server to the selected external reservation system via said at least one communication line (step 20, see page 13, lines 12-17); and

means, provided in said issuing terminal, for receiving ticket issuing data from the selected external reservation and for issuing the ticket booked in said the selected external reservation system (step 21, see page 13, lines 18-22).

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 5, and 6 stand rejected for obviousness based on US patent 5,570,283 to Shoolery et al (which will hereafter be called simply “Shoolery”), and an article entitled “The Impact of Electronic Commerce on the Travel Industry” by Bloch, US patent 6,412,073 to Rangan, US patent 5,237,499 to Garback, and US patent 6,442,526 to Vance et (which will hereafter be called simply “Vance”). Review of this ground of rejection is requested in this Appeal.

Claim 3 and 4 stand rejected for obviousness on the basis of Shoolery, Bloch, Rangan, Garback, and Vance, and also US patent 5,732,398 to Tagawa. Review of this rejection is also requested in this Appeal.

(vii) ARGUMENT

The preamble of claim 1 is directed to a system that includes a net server, an issuing terminal that is connected to the net server via a LAN and that is also connected to an external reservation system via at least one communication line, and a personal computer that is connected to the net server via that LAN. The body of claim 1 then recites two main steps, each of which includes various sub-steps. The two main steps in the body of claim 1 are “a booking step for making a booking from said personal computer to one of said external reservation systems” and “an issuance step for issuing a booked ticket by said issuing terminal.”

The final Office Action, dated April 2, 2007, incorporates by reference “the prior Office Action (paper number 20060804).” Assuming that this means the Office Action of October 6, 2006 (paper numbers are not marked on the Office Actions received by Applicants), the Examiner apparently relies on Shoolery for the booking step of claim 2 and on Garback for the issuing step.

Various sub-steps that are recited in claim 1 will be addressed later. For now, it is respectfully submitted that Shoolery and Garback would not have suggested even the main steps of claim 1 to an ordinarily skilled person.

The Shoolery reference discloses a system in which a traveler can communicate with a computerize reservation system (CRS) to obtain schedule information, which is then

transferred to a travel agent for ticketing (see Shoolery's Abstract). The Examiner has referred to the passage at Shoolery's column 5, line 60 to column 6, line 2 for the booking step of claim 1, but it is respectfully submitted that this passage would not have led an ordinarily skilled person to think that an actual booking is made from a personal computer, divorced from an issuance step by an issuing terminal.

The Garback reference discloses a computer based system 10 that communicates with airline computer reservation systems 28 to book tickets, which are printed by a ticket printer 29. Again, it is respectfully submitted that the reference would not have suggested making a booking from a personal computer but issuing the booked ticket using an issuing terminal.

Since neither Shoolery nor Garback would have suggested the two main steps of claim 1 to an ordinarily skilled person, clearly these references together would not have done so.

Now, to the sub-steps of claim 1. One of the sub-steps of the "booking" step are "sending home page addresses of said external reservation systems from said net server to said personal computer via said local area network ..." and another sub-step is "connecting said personal computer to a website of the selected external reservation system via the Internet ...". The Examiner appears to rely on Bloch for these sub-steps (and particularly paragraphs that have been numbered 8-10 on page 7 of the reference). The Bloch reference discloses general technology regarding computer reservation systems. However, it is respectfully submitted that the reference does not discloses sending home page addresses of external reservation systems from a net server to a personal computer via a

LAN, and then using the personal computer to connect to the web site of one of the external reservation systems.

Another sub-step of the “booking step” of claim 1 is “completing, without the aid of said net server, a booking through said web site provided by the selected external reservation system, between said personal computer and the selected external reservation system, by transmitting and receiving information data including a booking number via the Internet.” The Examiner relies on the Garback reference for this. However, it is respectfully submitted that an ordinarily skilled person would conclude, from the passage at column 6 of Garback, lines 33-40, that the booking step 49 shown in Figure 2A of the reference is performed by Garback’s system 10 (see Figure 1 of the Garback reference) rather than by Garback’s terminal 22 (Figure 1).

The last sub-step of the “booking” step that is recited in claim 1 is “generating, in said personal computer, booking data of a predetermined format ... and sending the booking data of the predetermined format to said net server via said local network, the booking data of the predetermined format including the booking number.” The first sub-step of the “issuance” step of claim 1 is “receiving, in said net server, the booking data of the predetermined format.” It is not entirely clear whether the Examiner relies on Bloch reference or the Garback reference for the “generating” sub-step (see the middle paragraph on page 4 of the Office Action dated October 4, 2006 and the middle paragraph on page 7 of the same Office Action), but it is Garback that the Examiner relies on for the “receiving” sub-step. In a “storing” sub-step that follows the “receiving” sub-step, the booking number in the booking data is sent to the issuing terminal, and in a “transmitting” sub-step, the booking number is transmitted from the issuing terminal to the selected

external reservation system. The Examiner relies on the Vance reference for the “storing” sub-step and on the Garback reference for the “transmitting” step. The last sub-step of the “issuance” step of claim 1 is “receiving, in said issuing terminal, ticket issuing data from the selected external reservation system to issue the ticket booked in the selected external reservation system,” and the Examiner returns to Vance for this.

It is respectfully submitted that Bloch does not disclose using a personal computer to generate booking data that is sent to Garback’s computer system 10, with the booking data including a booking number that is subsequently transmitted to an external reservation system and used as the basis for issuing a ticket. It is also respectfully submitted that such booking data is not transmitted from Garback’s terminal 22 to his system 10, with the booking number that is included in the booking data subsequently being sent to an external reservation system and being used as the basis for issuing a ticket. Moreover, it is respectfully submitted that relying on Garback for the first sub-step of the “issuance” step of claim 1, and then relying on Vance for the second sub-step, returning to Garback for the next sub-step, and then relying once again on Vance for the last sub-step, strongly suggests hindsight reconstruction. It is therefore respectfully submitted that the references would not have provided an incentive for an ordinarily skilled person to produce the method defined by claim 1.

Claim 2 is an independent apparatus claim that is directed to a ticket booking and issuing system. The body of claim 2 consists of “means” for performing functions that, in general, map the sub-steps of claim 1. It is respectfully submitted that claim 2 is patentable over the cited references for substantially the same reasons as claim 1.

The remaining claims depend from the independent claims discussed above and recite additional limitations to further define the invention. They are therefore automatically patentable along with their independent claims and need not be further discussed.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the claims on appeal are patentable over the cited references. Accordingly, the Examiner's rejection of these claims should be reversed.

Respectfully submitted,



Allen Wood
(Reg. No. 28,134)
Customer No. 23995
RABIN & BERDO, P.C.
Telephone: (202) 326-0222
Telefax: (202) 371-8976

AW/ng

(viii) CLAIMS APPENDIX

The claims involved in this appeal are presented below:

1. A booking and issuing method of an intranet ticket booking and issuing system including a net server and an issuing terminal interconnected to said net server via a local area network, said issuing terminal being interconnected to external reservation systems which accept ticket booking requests via at least one communication line, and a personal computer being interconnected to said net server via said local area network and having an Internet connection function, comprising:

 a booking step for making a booking from said personal computer to one of said external reservation systems, said booking step including:

 addressing a user's ticket booking commencement request to said net server from said personal computer;

 sending home page addresses of said external reservation systems from said net server to said personal computer via said local area network in accordance with said ticket booking commencement request;

 storing, in said personal computer, the home page addresses sent from said net server into a memory and displaying information corresponding to the home page addresses relating to said external reservation systems on a screen for selection by the user;

 receiving, in said personal computer, a selection of one of said external reservation systems by the user and reading out the home page address of the selected external reservation system from said memory;

 connecting said personal computer to a website of the selected external reservation system via the Internet and displaying a reservation screen of a web site provided by the selected external reservation system;

 completing, without the aid of said net server, a booking through said website provided by the selected external reservation system, between said personal computer and the selected external reservation system, by transmitting and receiving information data including a booking number via the Internet; and

generating, in said personal computer, booking data of a predetermined format by compiling predetermined data included in the information data and sending the booking data of the predetermined format to said net server via said local network, the booking data of the predetermined format including the booking number; and an issuance step for issuing a booked ticket by said issuing terminal, said issuance step including:

receiving, in said net server, the booking data of the predetermined format;

storing a received booking data in said net server, and sending said booking number included in the received booking data to said issuing terminal from said net server;

transmitting said booking number from said issuing terminal to the selected external reservation system via said at least one communication line, and

receiving, in said issuing terminal, ticket issuing data from the selected external reservation system to issue the ticket booked in the selected external reservation system.

2. A ticket booking and issuing system including a plurality of external reservation systems for accepting ticket booking requests via at least one communication line, a net server and an issuing terminal interconnected to said net server via a local area network, said issuing terminal being interconnected to said external reservation systems via said at least one communication line and a personal computer interconnected to said net server via said local area network and having an Internet connection function, comprising:

addressing means for addressing a user's ticket booking commencement request to said net server from said personal computer;

sending means for sending home page addresses of said reservation systems from said net server to said personal computer via said local network in accordance with said ticket booking commencement request;

storing means for storing, in said personal computer, the home page addresses sent from said net server;

display means for displaying information corresponding to the home page addresses on a screen for selection by the user;

receiving means for receiving, in said personal computer, a selection of one of the external reservation systems by the user and for reading out of said storage means the home page address of the selected external reservation system;

transmitting and receiving means for connecting said personal computer to a website provided by the selected external reservation system and displaying a reservation screen thereof on said display means, and for transmitting and receiving information data including a booking number via the Internet between said personal computer and the selected external reservation system to complete, without the aid of said net server, a booking through said website provided by the selected external reservation system between said personal computer and the selected external reservation system;

generating means for generating, in said personal computer, booking data of a predetermined format by compiling predetermined data within the information data transmitted and received in said transmitting and receiving means into a predetermined form and sending the booking data of the predetermined format to said net server via said local area network, the booking data of the predetermined format including the booking number;

means, provided in said net server, for storing a received booking data and for sending said booking number included in the received booking data to said issuing terminal;

means for transmitting, upon receiving said booking number included in the booking data from said net server to the selected external reservation system via said at least one communication line; and

means, provided in said issuing terminal, for receiving ticket issuing data from the selected external reservation and for issuing the ticket booked in said the selected external reservation system.

3. A booking and issuing method according to claim 1, further comprising:
converting, in said net server, the booking data received from said personal computer into data of a predetermined hypertext language to generate data for fare adjustment; and
storing the data for fare adjustment in said net server.
4. A booking and issuing system according to claim 2, further comprising:
a converter provided in said net server for converting the booking data received from said personal computer into data of a predetermined hypertext language to generate data for fare adjustment; and
a memory provided in said net server for storing the data for fare adjustment.
5. A booking and issuing method according to claim 1, further comprising:
a step of receiving instructions for the predetermined data format,
wherein the generating step generates, in response to the instructions, booking data of a common data-format using data displayed on the reservation screen of the selected external reservation system and sends the booking data of the common data-format to said net server via said local area network, the common data-format being a data-format common to computers connected to said local area network.
6. A booking and issuing system according to claim 2, further comprising:
a step of receiving instructions for the predetermined data format,
wherein the generating means generates, in response to the instructions, booking data of a common data-format using data displayed on the reservation screen of the selected external reservation system and sends the booking data of the common data-format to said net server via said local area network, the common data-format being a data-format common to computers connected to said local area network.

(ix) EVIDENCE APPENDIX

No new evidence is being submitted with this Brief.

(x) RELATED PROCEEDINGS APPENDIX

In view of section (ii) of this Brief, no copies of decisions are appended.